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	Filing Date	12/29/2000	
	First Named Inventor	Eric T. Lambert et al.	
	Art Unit	3627	
	Examiner Name	Andrew J. Rind	
Total Number of Pages in This Submission	5	Attorney Docket Number	YOR920000560US1

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Cantor Colburn LLP		
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Date	July 5, 2005	Reg. No.	46,673

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT:	ERIC T. LAMBERT ET AL)
) Group Art Unit: 3627
SERIAL NUMBER:	09/751,585)
) Examiner:
FILED:	December 29, 2000) Andrew J. Rudy
FOR:	METHOD AND SYSTEM FOR ELECTRONICALLY QUALIFYING SUPPLIER PARTS)
) Confirmation No. 8383
)

Commissioner for Patents
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REPLY BRIEF

In response to the Examiner's Answer mailed May 5, 2005, the Applicants submit the following reply as follows:

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ARGUMENTRejection of Claims 40-71

The Examiner states, on page 4 of the Examiner's Answer dated May 5, 2005, that the Appellants' method claims do not use or manipulate any of the list of databases claimed. The Examiner further contends that the method for facilitating part qualification functions as recited in Appellants' claim 40 does not require the list of databases. In support, the Examiner relies upon *Lincoln Engineering Co. v. Stewart-Warner Corp.*, 303 U.S. 545, 37 USPQ 1 (1938). However, the proposition that a rejection based upon an old combination, which in aggregation, person or produce no new or different function or operation has been invalidated. "A claim should not be rejected on the ground of aggregation." *In re Gustafson*, 331 F.2d 905, 141 USPQ 585 (CCPA 1964). The statutory language is the only proper basis for an old combination rejection. *In re Bernhardt*, 417 F.2d 1395, 163 USPQ 611 (CCPA 1969). Accordingly, the Examiner's reliance upon the principle of "old combination" is in error.

Notwithstanding, the method recited in claim 40 does not recite limitations that are drawn to a structure rather than to a method, as indicated by the Examiner. The structural elements recited in claim 40 affect the method in a manipulative sense. In particular, claim 40 recites creating a commodity template for a commodity associated with a supplier part. The creating includes entering requirements data for qualifying the commodity and selecting at least one database in a part qualification repository for storing the requirements data. The databases include a parts database receiving information from a commercial parts database, a technology survey database, a quality information network database, an archives database, and a system testing database. Thus, commodity template is created and requirements data for qualifying the commodity are entered and stored in a selected database. The method includes assigning a default viewing tool for qualifying the commodity based upon the corresponding database selected, applying access restrictions associated with the commodity template, and sharing the requirements data among the databases. It is evident from the aforementioned application of

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method steps to the corresponding structural elements that the structural elements appropriately affect the recited method in a manipulative sense and does not amount to the mere claiming of a use of particular structure as indicated by the Examiner.

The Examiner's Answer further acknowledges Appellants' traversal of the Official Notice taken with respect to the databases recited in Appellants claims. The Examiner submits as evidence U.S. Patent No. 6,813,777 issued to Weinberger. Upon a review of this reference, it appears that Weinberger is non-analogous art. Weinberger is directed to a transaction dispatcher for a passenger entertainment system and method. For at least this reason, the Appellants submit that it is inappropriate to rely on Weinberger to suggest that the databases recited in Appellants' claim 40 are common knowledge in the art as suggested by the Examiner.

For at least the reasons advanced above, the Appellants submit that claims 40-71 patentably define over Ferriter, Ensel, and Aycock.

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CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 40-71 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(2) is enclosed herewith. If there are any additional charges with respect to this Reply Brief, or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully submitted,

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